

HELEN J. LUMLEY AND KIRSTEN-JESSEN SCHMIDT

JULY 2, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2774]

The Committee on the Judiciary, to whom was referred the bill (H. R. 2774) for the relief of Helen J. Lumley, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Mrs. Helen J. Lumley and her daughter, Kirsten-Jessen Schmidt shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees and head taxes. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

Amend the title so as to read:

A bill for the relief of Helen J. Lumley and Kirsten-Jessen Schmidt.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant the status of permanent residence to a native and citizen of Denmark and her minor daughter. The bill also provides for the payment of the required visa fees and head taxes, and for the appropriate quota deductions.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter dated May 16, 1951, from the Deputy Attorney General to the chairman of the Committee on the Judiciary, which letter reads as follows:

MAY 16, 1951.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 2774) for the relief of Mrs. Helen J. Lumley and her daughter, Kirsten-Jessen Schmidt, aliens.

The bill would provide that Helen J. Lumley shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry, upon payment of the required visa free and head tax. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota. The name of Mrs. Lumley's daughter does not appear on the bill. The author of the bill, however, has indicated that her name is to be added by amendment.

The files of the Immigration and Naturalization Service of this Department disclose that the aliens are natives and citizens of Denmark, Mrs. Lumley having been born in Copenhagen, Denmark, on June 22, 1913, and her daughter, also in Copenhagen, on December 10, 1940. They last entered the United States at the port of New York, on May 8, 1950, when they were admitted as visitors, under section 3 (2) of the Immigration Act of 1924, until September 1950. Warrants of arrest in deportation proceedings were issued against them and on April 6, 1951, it was recommended that they be deported to Denmark. On May 28, 1950, Mrs. Lumley, who was Mrs. Hedvig Jessen-Schmidt, nee Jensen, a divorcee, when she entered this country, was married to Dr. William J. Lumley of Prospect Harbor, Maine. Dr. Lumley was born in England on February 29, 1904, and came to this country in 1914. He claims to have derived United States citizenship through the naturalization of his father on September 15, 1919. Dr. Lumley has two minor children by a former marriage, which terminated in divorce on April 23, 1949. He has the custody of the children and they resided with him and Mrs. Lumley until Dr. and Mrs. Lumley separated on August 16, 1950. Mrs. Lumley and her daughter now reside in Newport, Maine. Mrs. Lumley is suing for divorce, and in a suit for separate maintenance the court ordered her husband to pay her \$30 a week. She stated that he paid this amount for about 6 weeks, but later reduced the amount because he claimed he was unable to pay her more.

It appears that Dr. and Mrs. Lumley met in the fall of 1949, when she was in this country as a temporary visitor. She departed for Denmark in January 1950, after which she and Dr. Lumley corresponded. According to Mrs. Lumley, Dr. Lumley urged her to return to the United States for the purpose of marriage. The files further reflect that Mrs. Lumley, who is a music teacher, stated that she has been offered a position as governess and music teacher in a private home in New York City. She also stated that upon her marriage to Dr. Lumley she sacrificed the alimony which she had been receiving from her first husband. Her child still receives an allowance of 1500 kroner from her father.

The quota for Denmark, to which the aliens are chargeable, is oversubscribed and immigration visas are not readily available. Mrs. Lumley, as the wife of a citizen of the United States, would be entitled to a nonquota status under section 4(a) of the Immigration Act of 1924, upon approval of a petition for the issuance of a visa filed by her citizen husband in her behalf. Since they are separated, however, and it appears that there is little likelihood of a reconciliation, it is not likely that Dr. Lumley would file a petition for her. Therefore, in the absence of special legislation the aliens will apparently be unable to adjust their immigration status. The record fails, however, to present considerations sufficient to justify the enactment of special legislation in their behalf.

Accordingly, this Department is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 2774, as amended, should be enacted and it accordingly recommends that the bill do pass.